

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 14, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

OAHU

Consent to Assign Homestead Lease No. 16A; Walter Kimokeo Kamalolo, Heir to the Estate of Annie Aukai Kamalolo, Assignor, to Walter Kimokeo Kamalolo and Pok Ye Kamalolo, Assignee; Hauula, Koolauloa, Oahu, Tax Map Key: (1) 5-4-1:26, 29 & (1) 5-4-7:26.

APPLICANT:

Walter Kimokeo Kamalolo, heir to the estate of Annie Aukai Kamalolo, as Assignor, to Walter Kimokeo Kamalolo and Pok Ye Kamalolo, husband and wife, tenants by the entirety, whose business and mailing address is P.O. Box 595, Hauula, Hawaii 96717, as Assignee.

LEGAL REFERENCE:

Section 171-99, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Hauula situated at Hauula, Koolauloa, Oahu, identified by tax map key: (1) 5-4-1:26, 29 & (1) 5-4-7:26, as shown on the attached map labeled Exhibit A1 & A2.

AREA:

(1) 5-4-1:26	0.750 acres
(1) 5-4-1:29	1.520 acres
(1) 5-4-7:26	<u>0.200 acres</u>
Total	2.470 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES _____ NO X

CHARACTER OF USE:

Residential purposes.

TERM OF LEASE:

999 years, commencing on August 21, 1907 and expiring on August 20, 2906.

ANNUAL RENTAL:

Not applicable.

CONSIDERATION:

Not applicable.

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

Not applicable.

REMARKS:

Homestead Lease (HL) No. 16A was issued to John Kamalolo commencing from August 21, 1907 for a term of 999 years. At the time of John Kamalolo's death in 1940, particulars of his family are tabulated below:

Name	Relationship	Date of Death (if applicable)
Elizabeth Kamauoha	Wife	11/24/27
Lupo Kamalolo	Daughter	8/23/45
Emily Kuene	Daughter	3/13/32
Julia Kepaa	Daughter	12/8/28
John Inui Kamalolo Jr.	Son	
Elizabeth Sennett	Daughter	
Annie Aukai Kamalolo	Daughter	
Emily Kaili	Daughter	

Following the death of John Kamalolo in 1940, John Inui Kamalolo Jr., Elizabeth Sennett, and Emily K. Opulauoho (former Emily Kaili) as the surviving heirs-at-law under Section 4580, Revised Laws of 1945, conveyed their interest in HL 16A by a quitclaim deed dated May 24, 1947 to Annie Aukai Kamalolo. This deed was recorded in the Bureau of Conveyances as Liber 2117/131. In June 1947, both the Acting Governor and Commissioner of Public Lands gave consent to the quitclaim deed.

Annie Aukai Kamalolo died on December 19, 1971 and was survived

by her only son, Walter Kimokeo Kamalolo. By Probate No. 38101 dated October 15, 1984, Walter Kimokeo Kamalolo became the sole heir of the estate of Annie Aukai Kamalolo, which included the subject HL 16A. A copy of the probate is attached as Exhibit B.

In 1985, Walter Kimokeo Kamalolo requested the subject HL be transferred to his name. Staff is not aware of any reason why the 1985 request was never processed.

Recently, Walter Kimokeo Kamalolo submitted an application transferring the HL to him and his wife as tenants by the entirety. Section 171-99(e) of Hawaii Revised Statutes reads:

"(e) Assignment; certificate of occupation or homestead lease. No existing certificate of occupation or existing homestead lease, or fractional interest thereof, shall be transferable or assignable except by conveyance, devise, bequest, or intestate succession and with the prior approval of the board of land and natural resources; provided that transfer or assignment by conveyance, devise, or bequest shall be limited to a member or members of the occupier's or lessee's family.

For the purposes of this section, "family" means the spouse, reciprocal beneficiary, children, parents, siblings, grandparents, grandchildren, nieces, nephews, a parent's siblings, children of a parent's siblings, and grandchildren of a parent's siblings, of the occupier or lessee."

Since Walter Kimokeo Kamalolo is the sole heir to the estate of Annie Aukai Kamalolo, who acquired the subject HL pursuant to the quitclaim deed in 1947, and the assignee is the spouse of the assignor, staff has no objection to the request.

Due to the fact that there was never an assignment transferring the subject HL from Annie Aukai Kamalolo to Walter Kimokeo Kamalolo, staff recommends the Board consent to the assignment of HL to Walter Kimokeo Kamalolo, pursuant to Probate No. 38101, and subsequent assignment from Walter Kimokeo Kamalolo to Walter Kimokeo Kamalolo and Pok Ye Kamalolo.

In addition, the applicants are interested in purchasing the fee title of the subject State land. Staff will bring this subject to the Board at a later date.


Staff did not solicit comments from other agencies. There are no other pertinent issues and concerns.

Assignees have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

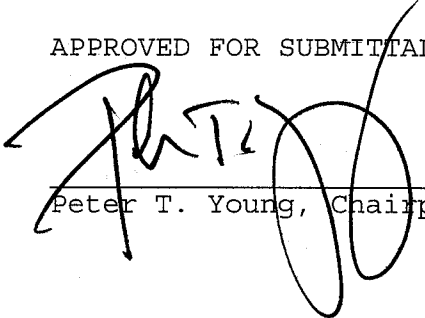
RECOMMENDATION:

- A. That the Board consent to the assignment of Homestead Lease No. 16A from the Estate of Annie Aukai Kamalolo, as Assignor, to Walter Kimokeo Kamalolo, as Assignee, subject to the following:
1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
 2. Review and approval by the Department of the Attorney General; and
 3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- B. That the Board consent to the assignment of Homestead Lease No. 16A from Walter Kimokeo Kamalolo, as Assignor, to Walter Kimokeo Kamalolo and Pok Ye Kamalolo, tenants by the entirety, as Assignee, subject to the following:
1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
 2. Review and approval by the Department of the Attorney General; and
 3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

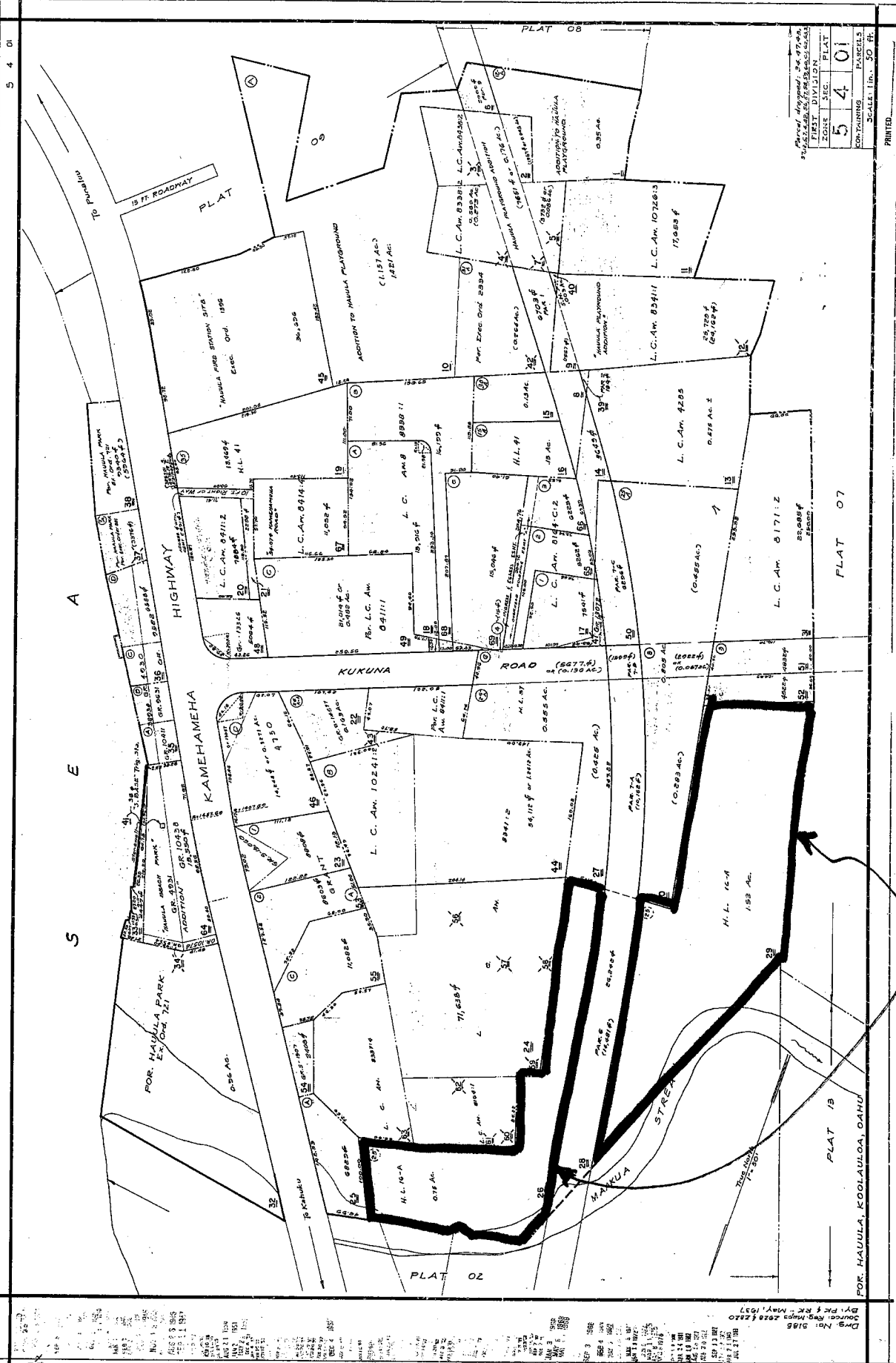
Respectfully Submitted,


Barry Cheung
Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson

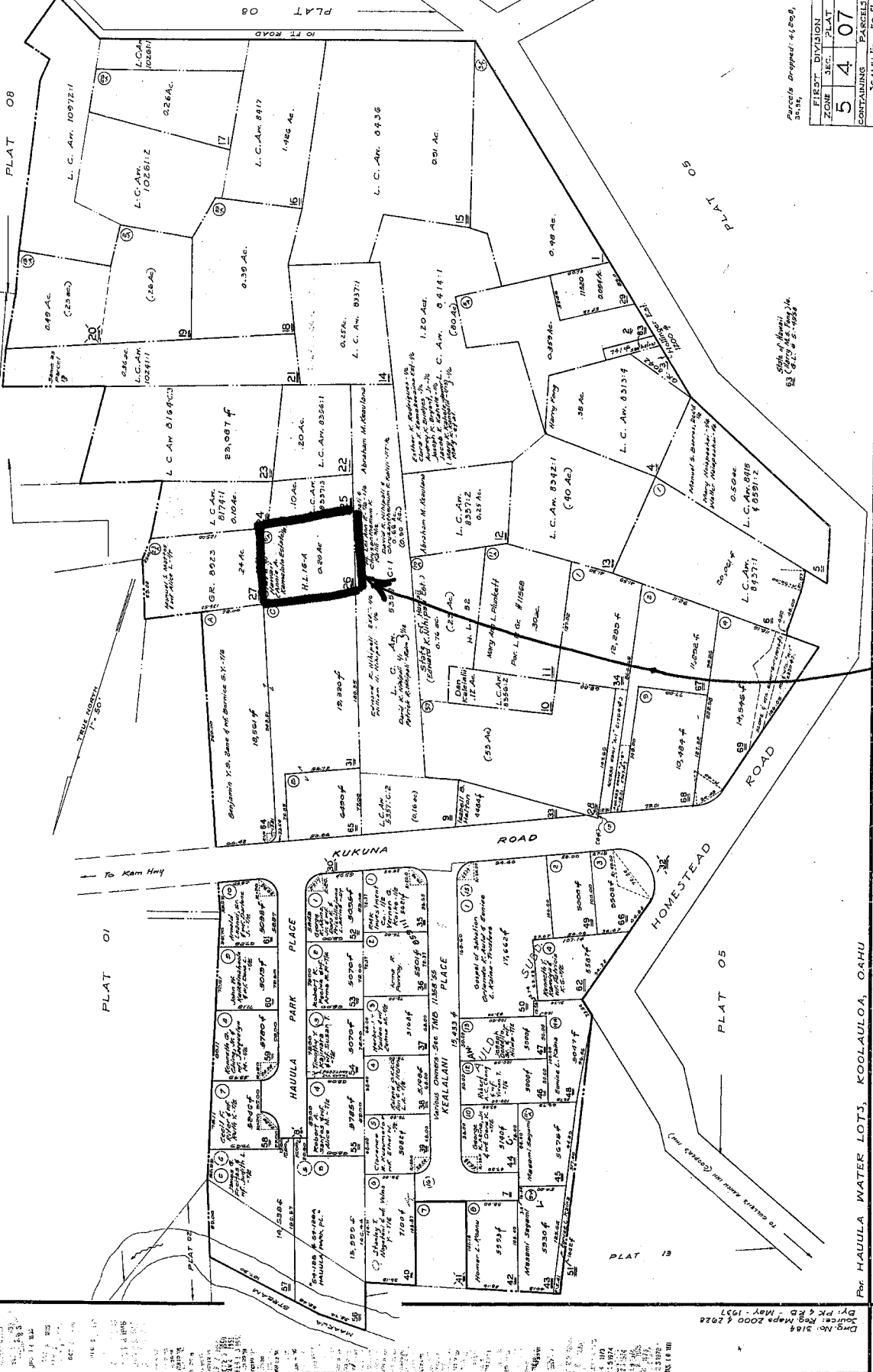
S E A



Subject Location

PLAT	5401
ZONE	5401
SECTION	5401
PLAT	5401
CONTAINING	PARCELS
SCALE	1 in. = 50 ft.
PRINTED	

PLAT 08



Subject Location

EXHIBIT "A2"

16
C. 56

R-1327 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
SEP 09, 2004 11:00 AM
Doc No(s) 2004-184843



/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES

20 1/1 22

LAND COURT

REGULAR SYSTEM

(AREA ABOVE RESERVED FOR RECORDING INFORMATION)

After Recordation, Return by Mail ☐ or Pick-up ☐ Phone#:

FILL IN NAME AND ADDRESS BELOW:

WALTER KAMALDO
P.O. BOX 595
HAVVLA, HI 96717

DOCUMENT CONTAINS ____ PAGES

EXHIBIT "B"

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

1984 OCT 15 PM 12: 16

EDWIN Y. SASAKI #549
705 City Bank Building
810 Richards Street
Honolulu, Hawaii 96813
Tel. No. 537-5955

B. CHO
CLERK

Attorney for Personal Representative

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

THE ESTATE)	P. NO. 38101
OF)	ORDER APPROVING FINAL
ANNIE AUKAI KAMALOLO,)	ACCOUNTS AND DISTRIBUTING
Deceased.)	AND SETTLING ESTATE

ORDER APPROVING FINAL ACCOUNTS AND
DISTRIBUTING AND SETTLING ESTATE

On September 21, 1984, the "Petition for Approval of Final Accounts and Distribution and Complete Settlement of Estate" filed August 9, 1984, was heard. The Court finds:

1. Notice of the time and place of hearing the petition was given to all interested persons as provided by law.

2. An inventory of the estate was filed on March 9, 1976.

I do hereby certify that this is a full, true and correct copy of the original on file in this office.

Clerk, Circuit Court, First Circuit
State of Hawaii

3. Notice to creditors was given in the manner provided by law.

4. All debts, expenses and Hawaii inheritance taxes have been paid.

5. The heirs and devisees of the decedent are:

WALTER KIMOKEO KAMALOLO.
P. O. Box 595
Hauula, Hawaii 96717

Son and sole heir

6. The estate is in a condition to be closed.

7. The final accounts are correct.

8. Personal Representative waives his fees and attorney's fees of \$2,431.94 is reasonable.

9. The property remaining in the estate should be distributed in the following manner:

WALTER KIMOKEO KAMALOLO
P. O. Box 595
Hauula, Hawaii 96717

Son and sole heir

IT IS ORDERED THAT:

1. The final accounts of the Personal Representative are approved.

2. The Personal Representative shall distribute the property of the estate to person entitled, as set forth above.

3. The hereinafter described real property shall vest in WALTER KIMOKEO KAMALOLO, unmarried, whose residence address is Hauula, Hawaii, and whose post office address is P. O. Box 595, Hauula, Hawaii 96717:

FIRST PARCEL:

Real property under Homestead Lease No. 16A situate at Kamehameha Highway, Hauula, District of Koolauloa, City and County of Honolulu, State of Hawaii, being LOT NUMBER TWENTY-FIVE (25) of the "HAUULA HOMESTEADS" containing an area of .75 acre or thereabouts; Tax Map Key 5-4-1-26, together with improvements thereon.

54-116
Kam Hwy.

SECOND PARCEL:

Real property under Homestead Lease No. 16A situate off Kamehameha Highway, Hauula, District of Koolauloa, City and County of Honolulu, State of Hawaii, being LOT NUMBER TWENTY-FIVE (25) of the "HAUULA HOMESTEADS", containing an area of 1.52 acres or thereabouts; Tax Map key 5-4-1-29, together with improvements thereon.

Kam Hwy.

THIRD PARCEL:

Real property under Homestead Lease No. 16A situate off Kukuna Road, Hauula, District of Koolauloa, City and County of Honolulu, State of Hawaii, being LOT NUMBER NINE A (9A) of the "HAUULA HOMESTEADS", containing an area of .20 acres or thereabouts; Tax Map Key 5-4-7-26, together with improvements thereon.

Kukuna Rd.

FOURTH PARCEL:

Real property situate at Hauula, Hawaii, area 18,991 square feet, Tax Map Key 5-4-5-28, together with a 1/6 common interest in roadway designated as Tax Map Key 5-4-5-4.

54-226
Hauula
road

587-0414

3. The Personal Representative shall pay attorney's fees of \$2,431.94.

4. Upon the filing of receipts showing distribution as provided herein, the appointment of Personal Representative shall be terminated and the Personal Representative shall be discharged from any further claim or demand of any interested person.

DATED at Honolulu, Hawaii, OCT 15 1984

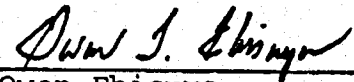
/s/ PHILIP T. CHUN (SEAL)
JUDGE OF THE ABOVE ENTITLED COURT

CONCLUSION AS TO VALUE:

In view of the data and analysis presented, it is the opinion of this appraiser that the fair market value of the subject property as of December 19, 1971 is:

~~TWENTY-ONE THOUSAND AND NO/100 DOLLARS~~

(\$21,000.00)



Owen Ebisuya
Appraiser